

AMENDED IN SENATE APRIL 28, 2004

SENATE BILL

No. 1912

**Introduced by ~~Committee on Health and Human Services~~
(~~Senators Ortiz (Chair), Alareon, Escutia, Figueroa, Florez,~~
~~Kuehl, Vaseconcellos, and Vincent~~) *Senator Ashburn*
(*Coauthor: Senator Ortiz*)**

March 11, 2004

~~An act to amend Section 16122 of the Welfare and Institutions Code,
relating to adoption. An act to add Section 49414.7 to the Education
Code, relating to pupil health.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1912, as amended, ~~Committee on Health and Human Services~~
*Ashburn. Adoption Assistance Program: home studies by agencies;
compensation Pupil health: self-administration of medication.*

*Existing law provides that each pupil who is required to take, during
the regular schoolday, medication prescribed for him or her by a
physician, may be assisted by the school nurse or other designated
school personnel if the school district receives a written statement from
the physician detailing the method, amount, and time schedules by
which the medication is to be taken and a written statement from the
parent or guardian of the pupil indicating the desire that the school
district assist the pupil in the matters set forth in the physician's
statement.*

*This bill would authorize a pupil to self-administer asthma or
auto-injectable epinephrine medication in any area of the school
grounds, and during any school-related activity, if the parent or
guardian of that pupil provides written consent to the
self-administration and certification that the pupil both suffers from*

asthma or anaphylaxis and is able to self-administer the medication, thus imposing a state-mandated local program. The bill would require the school in which the pupil is enrolled to keep information regarding the asthma or epinephrine medication on record, thus imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law, the Adoption Assistance Program, requires the state to compensate private adoption agencies for the unreimbursed costs of placing for adoption children in foster care who are eligible for program benefits, not to exceed a total of \$5,000 per child adopted. Existing law and state regulations require the completion of a home study of prospective adoptive parents as a prerequisite to adoption.~~

~~This bill would require the state to compensate private adoption agencies for the unreimbursed costs of either completed home studies for, or the placement for adoption of, children eligible for program benefits, or both. The bill would limit the amount of compensation to \$3,500 per child adopted for either the costs of an adoption home study or the costs of placement, and to \$5,000 for both.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 16122 of the Welfare and Institutions~~
- 2 *SECTION 1. Section 49414.7 is added to the Education Code,*
- 3 *to read:*
- 4 *49414.7. (a) A pupil may self-administer prescription*
- 5 *asthma or auto-injectable epinephrine medication, or both, in the*
- 6 *classroom, in any area of the school grounds, and during any*



1 school-related activity, if the parent or guardian of the pupil does
2 both of the following:

3 (1) Consents in writing to the self-administration.

4 (2) Provides written certification from a physician or other
5 state-licensed health care professional treating the pupil that the
6 pupil suffers from asthma or anaphylaxis, or both, and is able to
7 self-administer asthma or auto-injectable epinephrine
8 medication, or both.

9 (b) The school in which a pupil who self-administers asthma or
10 auto-injectable epinephrine medication, or both, pursuant to
11 subdivision (a) is enrolled shall keep information regarding the
12 asthma or epinephrine medication on record.

13 SEC. 2. Notwithstanding Section 17610 of the Government
14 Code, if the Commission on State Mandates determines that this
15 act contains costs mandated by the state, reimbursement to local
16 agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code. If the statewide cost of the
19 claim for reimbursement does not exceed one million dollars
20 (\$1,000,000), reimbursement shall be made from the State
21 Mandates Claims Fund.

22 Code is amended to read:

23 ~~16122. (a) It is the intent of the Legislature in enacting this~~
24 ~~chapter to provide children who would otherwise remain in~~
25 ~~long-term foster care with permanent adoptive homes. It is also the~~
26 ~~intent of the Legislature to encourage private adoption agencies to~~
27 ~~continue placing these children, and in so doing, to achieve a~~
28 ~~substantial savings to the state in foster care costs.~~

29 ~~(b) From any funds appropriated for this purpose, the state shall~~
30 ~~compensate private adoption agencies licensed pursuant to~~
31 ~~Chapter 3 (commencing with Section 1500) of Division 2 of the~~
32 ~~Health and Safety Code for the costs of either completing home~~
33 ~~studies at the request of referring county child welfare agencies~~
34 ~~for, or placing for adoption, children eligible for Adoption~~
35 ~~Assistance Program benefits pursuant to Section 16120, or both,~~
36 ~~as follows:~~

37 ~~(1) These agencies shall be compensated for otherwise~~
38 ~~unreimbursed costs for either completed home studies, or the~~
39 ~~placement of these children, in an amount not to exceed a total of~~

1 ~~three thousand five hundred dollars (\$3,500) per child adopted,~~
2 ~~and not to exceed a total of five thousand dollars (\$5,000) for both.~~
3 ~~(2) Half of the compensation shall be paid at the time the~~
4 ~~adoptive placement agreement is signed. The remainder shall be~~
5 ~~paid at the time the adoption petition is granted by the court.~~
6 ~~Requests for compensation shall conform to claims procedures~~
7 ~~established by the department.~~
8 ~~(c) This section shall not be construed to authorize~~
9 ~~reimbursement to private agencies for intercountry adoption~~
10 ~~services.~~

